

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
FILING COMPLETION UNDER RULE 53(f)

PATENT
APPLICATION

Attn: Application Division

Inventors **Lyndon Y. ONG**
Appln. No.: 09/753,339
Filed: December 29, 2000
Title: **Congestion Control for Signaling Transport Protocols**

Atty. Dkt. 061473 | 0269205
Client # | Matter #
(Our Deposit Account No. 03-3975)
(Our Order No. 0269205 | NOR-13316 SS
TMC# | Client Ref

Date: April 9, 2001

Commissioner for Patents
BOX MISSING PARTS
Washington, D.C. 20231

Sir:

The following completes the filing under Rule 53(f) of the above-identified patent application:

1. Notice to File Missing Parts ☒ copy enclosed ☐ not yet received
2. ☒ Signed Declaration enclosed ☒ Original ☐ facsimile/copy
3. ☒ Enclosed is an Assignment and cover sheet. Please return the recorded assignment to the undersigned.

THE FOLLOWING FILING FEE IS BASED ON CLAIMS AS FILED LESS ANY ABOVE CANCELLED

4. Basic Filing Fee.....				\$710/ 355	\$	710.00	101/201
5. Total Claims	8	minus 20 =	0	x \$18/\$09	+	0.00	103/203
6. Independent Claims	4	minus 3 =	1	x \$80/\$40	+	80.00	102/202
7. Surcharge for filing Declaration/filing fee late				\$130/\$65	+	130.00	105/205
8.	FILING FEE ENCLOSED =				\$	920.00	
9. Original due date:							
10. If "assignment" box is X'd, add recording fee.....				\$40	+	40.00	581
11.	TOTAL FEE: =				\$	960.00	

CHARGE STATEMENT: The Commissioner is hereby authorized to charge any fees required, or credit any overpayment, to our Account/Order No. shown above, for which a duplicate copy of this sheet is enclosed. This charge statement does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.

1100 New York Avenue, N.W.
Ninth Floor, East Tower
Washington, D.C. 20005-3918
Tel: (650) 233-4777
Fax: (650) 233-4040

PILLSBURY MADISON & SUTRO, LLP
By: **Mark J. Danielson**, Reg. No. 40,580

I certify that the enclosed papers are being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, BOX MISSING PARTS, Washington, D.C. 20231, on April 9, 2001.

Jeanette Walker-Cooks



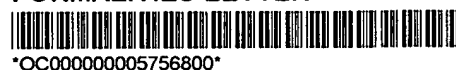
UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/753,339	12/29/2000	Lyndon Y. Ong	61473/0269205

CONFIRMATION NO. 8404

FORMALITIES LETTER



OC000000005756800

PILLSBURY MADISON & SUTRO LLP
Ninth Floor, East Tower
1100 New York Avenue, N.W.
Washington, DC 20005-3918

Date Mailed: 02/12/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$80.
 - \$80 for 1 independent claims over 3 .
- The oath or declaration is missing.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 920.

A copy of this notice MUST be returned with the reply.

Subh C. M. S.
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

04/17/2001 ETULU1 00000062 09753339

01 FD:101	710.00 OP
02 FD:102	80.00 OP
03 FD:103	130.00 OP



#3

DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name, and I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the INVENTION ENTITLED **Congestion Control for Signalling Transport Protocols**, the specification of which was filed on December 29, 2000, under U.S. Patent Application Serial No., 09/753,339.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose all information known to me to be material to patentability as defined in 37 C.F.R. 1.56. I hereby claim foreign priority benefits under 35 U.S.C. 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate filed by me or my assignee disclosing the subject matter claimed in this application and having a filing date (1) before that of the application on which priority is claimed, or (2) if no priority claimed, before the filing date of this application:

PRIOR FOREIGN APPLICATION(S):			Date first Laid-	Date Patented	Priority Claimed?
Number	Country	Day/MONTH/Year Filed	open or Published:	or Granted:	Yes <input type="checkbox"/> No <input type="checkbox"/>

I hereby claim domestic priority benefit under 35 U.S.C. 119/120/365 of the indicated United States applications listed below and PCT international applications listed above or below and, if this is a continuation-in-part (CIP) application, insofar as the subject matter disclosed and claimed in this application is in addition to that disclosed in such prior applications, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in 37 C.F.R. 1.56 which became available between the filing date of each such prior application and the national or PCT international filing date of this application:

PRIOR U.S. PROVISIONAL, NONPROVISIONAL AND/OR PCT APPLICATIONS	Status	Priority Claimed?
Application No.: Day/MONTH/Year Filed:	(pending, abandoned, patented)	Yes <input type="checkbox"/> No <input type="checkbox"/>

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

And I hereby appoint Pillsbury Winthrop LLP, 1100 New York Avenue, N.W., Ninth Floor, East Tower, Washington, D.C. 20005-3918, tel. (650) 233-4790 (to whom all communications are to be directed), and the below-named persons (of the same address) individually and collectively my attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and with the resulting patent, and I hereby authorize them to delete names of persons no longer with their firm and to act and rely on instructions from and communicate directly with the assignee which first sent this case to them and by which I hereby declare that I have consented after full disclosure to be represented, unless/until I instruct the above Firm in writing to the contrary.

Paul N. Kokulis	16773	Kendrew H. Colton	30368	Roger R. Wise	31204	Anthony L. Miele	34393
G. Lloyd Knight	17698	G. Paul Edgell	24238	Michael R. Dzwonczyk	36787	Robert J. Walters	40862
Kevin E. Joyce	20508	Lynn E. Eccleston	35861	Jack S. Barufka	37087	Brian J. Beatus	38825
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Glenn J. Perry	28458	Richard H. Zaitlen	27248	Robin L. Teskin	35030		

INVENTOR'S SIGNATURE: Lyndon Y. ONG Date 4/3/01

Inventor's Name:	Lyndon Y. ONG	Country of Citizenship:	United States of America
Residence (City, State):	San Jose, California		
Post Office Address:	475 Mill River Lane		
	San Jose, CA 95134		



Rule 56(a) & (b) = 37 C.F.R. 1.56(a) & (b)
PATENT AND TRADEMARK CASES - RULES OF PRACTICE
DUTY OF DISCLOSURE

- (a) ... Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the [Patent and Trademark] Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability...(b) information is material to patentability when it is not cumulative and (1) It also establishes by itself, or in combination with other information, a prima facie case of unpatentability of a claim or (2) refers, or is inconsistent with, a position the applicant takes in: (i) Opposing an argument of unpatentability relied on by the Office, or (ii) Asserting an argument of patentability.

PATENT LAWS 35 U.S.C.

§102. Conditions for patentability; novelty and loss of right to patent

A person shall be entitled to a patent unless--

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent or
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States, or
- (c) he has abandoned the invention, or
- (d) the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months* before the filing of the application in the United States, or
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent, or
- (f) he did not himself invent the subject matter sought to be patented, or
- (g) before the applicant's invention thereof the invention was made in this country by another who had not abandoned, suppressed, or concealed it. In determining priority of invention there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

§103. Condition for patentability; non-obvious subject matter

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made. Subject matter developed by another person, which qualified as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

* Six months for Design Applications (35 U.S.C. 172).